

Mar 11 1-23-2020

IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT AND MAGISTERIAL
DISTRICT 32-2-47 OF PENNSYLVANIA

DAMION WHITAKER
PLAINTIFF

CP-23-CR-5797-2018

v.

BRANDY GRAY

OFF: JENNA LONG #4665

OFF: NICHOLAS TOKONITZ #4629

TWP. BOROUGH - POLICE DEPARTMENT
OF

YADON, PENNSYLVANIA

DELAWARE COUNTY OF PENNSYLVANIA

DOC - CAMP HILL - MEDICAL SERVICES

- BETH HERD - HEALTH CARE ADMINISTRATOR
CORRECTION INSTITUTIONAL SAFETY MANAGER

- GREGORY CARBAUGH
DEPUTY SUPERINTENDENT DIAGNOSTIC CENTER

- SHAWN KEPHART
LICENSED PSYCHOLOGY MANAGER

- GREGORY PIOTICA - DR. ELICIA STEIN
NURSE - PERSONEL STAFF - ALL

LICENSED PSYCHOLOGIST MANAGER

- GREGORY PIOTICA
- PSYCH - EMPLOYE PERSONEL - ALL

- LAUREL HARRY - KEITH CARBERY

JOHN E. WETION

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PER

DEPUTY CLERK

- Article 18 § 1183 - Jencks Act violation P. 181-
- Challenge Sentencing calculations/guidelines
*

Tort Actions

Fall into two categories

- intentional tort and negligence (claim for relief)

Medical Malpractice's - Must violate a

"Duty of Care" And It must cause harm that is within the class of reasonably foreseeable hazards that the duty exists to prevent.

Sanchez v. State of New York, 99 N.Y.2d at 252; see
Palay v. US, 349 F.3d 418, 433-34 (7th Cir. 2003)
Discussing foreseeability, Downey v. Denton
County, Texas, 119 F.3d 381, 387-88 (5th Cir 1997) (same)

* State Medical Staff

Ashker v. California Dept of Corrections,
112 F.3d 392 (9th Cir. 1997)

NOTICE OF ARTICLE 78

§ 1983

AND NOW COMES, DAMION WHITAKER, BRING FORTH § 1983 claim FOR RELIEF CP-23-CR-5797-2018 THE FINAL ORDER WAS ENTERED ON _____ DAY OF JANUARY 2020.

On the DAY of MAY 19, 2018 I was arrested AND Prosecuted by NOVEMBER 8, 2019 by A Jury of 12. AND WAS found Guilty of POSS-Instrument of CRIM, Simple Assault § 2701 A3, Strangulation 27185A1 - M2, Institutional Vandalism Educ Facil 3307 A3. NEXT I WAS sentence to 18-132 MONTHS UNDER WEAPON ENHANCEMENT FOR (POSSESSON OF A WEAPON OF CRIME) ILLEGALLY APOW 303.10(A)3i STATE that there shall be NO Deadly weapons ENHANCEMENT for the following charges (1) (POSSESSING OF INSTRUMENT OF CRIME).

During the length of trial JENNN LONG #4665 Office of Boro-Twp - of yeabon, PA testified with out producing ANY Statement within Discover, JENK ACT VIOLATION. Office NICHOLAS TOKONITZ #4629 testified that he was a witness At trail, Prior to trail he testified Preliminary Page 411-417 that he was testifing to what other officer HAD told him, PURJURY UNDER OATH testimony

SCI - Camp Hill
PA Box 200

Camp Hill, PA 17001-0200

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Def ②
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MIDDLE DISTRICT OF PENNSYLVANIA
U.S. Courthouse
228 Walnut Street
Harrisburg PA 17108

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